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C O N F I D E N T I A L SECTION 01 OF 04 BANGKOK 000822

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GENEVA FOR RMA

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TAGS: [PREF](#) [PREL](#) [PGOV](#) [TH](#)

SUBJECT: ENGAGING THE THAI ON THE LAO HMONG IN PETCHABUN
AND NONG KHAI

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Classified By: Ambassador Eric G. John, reason 1.4 (b,d)

¶1. (C) Summary and Comment: Having tolerated a decade-long Lao Hmong encampment at Wat Tham Krabok prior to resettlement to the U.S. in 2004-2005, which the Royal Thai Government thought would close the book on Indochina legacy issues, Thai authorities seem determined to handle more recent arrivals of Lao Hmong in a way which will discourage future movements of the Hmong from Laos, as well as support their improving bilateral relations with their Lao neighbors. The Embassy advocates constantly with the Royal Thai Government (RTG) on behalf of the Lao Hmong who have been held at Huay Nam Khaw camp in Petchabun since July 2007, as well as the 158 Hmong who have been held at the Nong Khai Immigration Detention Center (IDC) since November 2006.

¶2. (C) Our objectives with the Lao Hmong in Thailand are four-fold: 1.) Push the RTG to adopt a transparent screening process, meeting UNHCR standards, which would identify (and protect from return to Laos) those in the Petchabun group with a well-founded fear of persecution; 2.) Ensure that the return process currently underway is truly voluntary through the establishment of a third-party monitor in Petchabun; (3.) Permit resettlement processing for those cases in Nong Khai referred to us by UNHCR; and 4.) Improve conditions in the immediate term for the Lao Hmong in both locations. At the same time, we must keep the issue in perspective within the context of our overall relationship with Thailand, one of our closest allies in the world and one with whom we have deep, decades-long cooperation on a number of high priority issues, including a wide array of refugee-related efforts. A measured statement of concern from Washington supporting our four objectives, and particularly voicing concern over recent incidents of coercion in the return process, might positively influence the fate of the 5,050 remaining Lao Hmong in Petchabun, and the smaller group in the Nong Khai jail. End Summary and Comment.

Advocating transparency, improving conditions

¶3. (C) The Embassy advocates constantly with the Thai government on behalf of the remaining 5,050 displaced Hmong

in Huay Nam Khaw camp in Petchabun province, remnants of a population of over 7,000 who were moved by the RTG into the army-run facility in July 2007. We have made similar efforts on behalf of the 158 Hmong who have been held at the Nong Khai Immigration Detention Center (IDC) since November 2006. The Petchabun Hmong, who have not been interviewed by UNHCR for possible refugee status, consist of two groups. One was made up of Hmong who were moved by the Royal Thai Army from a nearby Thai Hmong community where they had settled beginning around 1992, when UNHCR and the RTG moved to phase out the major Lao refugees camps in preparation for the ending of the regional Comprehensive Plan of Action. Others arrived directly from Laos during the period 2005-2007, likely drawn by the resettlement of 15,000 of their brethren from Wat Tham Krabok to the U.S. The Nong Khai group was part of a larger population of 400-plus people resident near Bangkok who were interviewed by UNHCR and given refugee status. The RTG attempted to deport the Nong Khai group in November 2006, but stopped when the international community objected. They have languished in an immigration jail since.

14. (C) For the Petchabun population, we continue to urge greater transparency in the RTG screening to determine those who might have a well-founded fear of persecution in Laos. To date, not a single one of the 2,500 returnees have been "screened in" by the opaque RTG process, which was completed in January 2008. The dearth strongly suggests that the process is not rigorous - or even used in practice. We have suggested instead a similar method to that in place for the Burmese refugees in the established camps. The RTG screens Burmese through interagency Provincial Admissions Boards, an asylum mechanism set up with UNHCR assistance, and which include a UNHCR observer/advisor. Greater transparency is also needed in the RTG's current return program for the

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Petchabun Hmong so that concerns may be satisfied about the voluntariness of movement back return to Laos. An objective third-party monitor would provide that transparency. The International Organization for Migration (IOM) would be a logical choice, and we are quietly encouraging the RTG's consideration of a proposal for a major logistical role (and de facto monitoring role) for the organization. We have also requested for months a list of the camp population so that we may determine if there are any cases of potential interest to the U.S. For the Nong Khai population, we continue to urge the RTG to move the population (which includes 90 children) out of the detention facility to a less severe environment (perhaps to Petchabun), pending RTG agreement to allow resettlement countries access for processing.

15. (C) In both locations, we have used USG resources to try to improve the conditions for the Hmong and smooth some of the "rough edges." At Petchabun, the USG funds the activities of Medicins Sans Frontieres (MSF), which provides food for the detainees, and UNICEF, for basic education for the many children. If the IOM return project is approved by the RTG, the USG will likely be the major supporter. At Nong Khai, the USG, working through IOM, funded the construction of a temporary shelter, which has allowed more space for the detained Hmong to move around in during the day, as well as an on-site nurse, and educational activities for the children.

Thais determined to manage process differently this time

16. (C) Until 2003, Thai authorities tolerated a Lao Hmong community of up to 25,000 people near Wat Tham Krabok, most of whom who had relocated there from the Lao refugee camps in the early 1990's. Once that population was resettled to the U.S., new groups of Lao Hmong appeared in Thailand. Thai authorities made clear their intent to manage these arrivals differently, focusing on timely return to Laos, not third country resettlement. In our frequent conversations with the Thai military regarding the Petchabun population, our

interlocutors state that "voluntary" returns to Laos will continue. In our view, there is no way, given the absence of third parties, to judge the voluntariness of returns, especially since it is clear that there is at least some pressure and coercion to "volunteer." The RTG seems to have decided, no doubt reflecting fatigue from decades of hosting displaced populations from neighboring countries, that it can repatriate the Petchabun Hmong if it stays determined and resists international pressure. The RTG frequently cites Government of Laos (GOL) views on the Petchabun group in explaining its policy, clearly indicating there is no interest in allowing the issue to become an irritant in the improving bilateral relationship between the two governments.

Echoing the GOL position, RTG now insists even those in Petchabun "screened in" by the internal RTG vetting process must first return to Laos, to be interviewed by GOL officials regarding the reasons for departure, before they can be resettled to third countries. (Comment: we could not agree to a scenario, of course, which involves sending potential asylum seekers back to a country in which they face possible persecution in order to apply for U.S. resettlement.)

¶17. (C) The RTG used to tell us that at the end of "voluntary" return process currently underway, they would give any U.S.-linked cases to us to resettle. They haven't said that for some time (and, in any event, we consistently responded to those comments by noting that the USG doesn't accept refugee referrals from other countries and any such cases would have to be referred by UNHCR). In a worrying development, since January the RTG has arrested and coerced into return to Laos at least three people that MSF and advocacy groups identify as former CIA-trained anti-government fighters, a population which may indeed have a legitimate fear of persecution in Laos. In the same period, at least fifteen young men have been similarly arrested for minor infractions of camp rules and given the option of jail time or return. MSF has reported that several of these arrestees (or their extended

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family members, who are also sent to Laos) are leaders of the various factions within the Hmong population resistant to voluntary return. About a dozen more names, including those of camp leaders and a former CIA fighter, have been by MSF workers on "arrest lists" in the Petchabun camp. This tactic of coercing anti-return community leaders and their families to return to Laos appears to be a deliberate attempt by the Thai army to weaken resistance to the move among the general population. The tactic has been successful: after a series of irregular small returns, on March 26th, 452 were returned in the largest single movement since June 2008.

U.S. Objectives in Context, Recommendation going forward

¶18. (C) Our goal is to push hard on our four objectives for these Hmong populations while at the same time keeping the issue in perspective in the context of our overall relationship with Thailand, one of our closest allies in the world, and one with whom we have deep, decades-long cooperation on a number of high priority issues, including multiple refugee-related ones.

¶19. (C) We do feel, however, that a measured statement of concern from the Department spokesperson regarding the recent incidents of coercion in the return process may positively influence RTG policies regarding the 5,050 remaining Lao Hmong in Petchabun. The RTG policy to return the Lao Hmong is a national-level one, promulgated by the National Security Council. However, actual implementation is in the hands of the Thai army, with little influence over the process by civilian officials in the Ministry of Interior (responsible for Burmese refugees) or MFA. While the process would be easier to manage if the fate of Petchabun population were not in the hands of the military, we do not see any prospect for a transfer of control. A sample text for the statement follows.

¶10. (U) Proposed Statement on Lao Hmong in Thailand

(START) The United States Government appreciates Thailand's historical generosity in providing temporary refuge for vulnerable people fleeing danger and political persecution in Indo-China and, more recently, Burma. Although not a signatory to the 1951 Convention on Refugees, Thailand has generally refrained from the practice of refoulement, or returning vulnerable people to places where they might face persecution.

We would like to encourage Thailand to continue this humanitarian tradition in its treatment of the 5,000 remaining Lao Hmong held since July 2007 in the army-managed camp in Petchabun Province, and the 158 UNHCR-recognized Hmong confined since November 2006 in an immigration detention center in Nong Khai.

In particular, the U.S. encourages the establishment of a transparent screening process, preferably with substantive involvement of the United Nations High Commissioner for Refugees (UNHCR), for the Petchabun group. The screening process should identify and protect those who face a well-founded fear of persecution in Laos. An important first step to increase transparency would be to provide a list of the detainees in Petchabun, and their status in the internal Royal Thai Government vetting we understand was completed in January 2008.

Over the past year or so, over 2,000 Lao Hmong in the Petchabun camp have been returned to Laos. Although for the most part these returns do not appear to have been forced, we have encouraged the presence of a third-party monitor in the process to allay lingering concerns regarding voluntariness. We are particularly concerned about a new trend seen since January, a period which has seen at least 18 Lao Hmong in Petchabun arrested for minor infractions of camp rules and threatened with jail unless they agreed to return to Laos with their families. Many of the arrestees are leaders within

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the Lao Hmong community. There are indications that the arrests and coerced returns are intended to intimidate others within the Petchabun camp to return to Laos, to include some who may have a well-founded fear of persecution. This trend is especially concerning in light of the very limited information the international community has on Thailand's efforts to screen the large group.

We also encourage a quick, humanitarian solution for the 158 Lao Hmong being held in the immigration detention center at Nong Khai under crowded conditions. UNHCR has determined that these people should not be forcibly returned to Laos. This group, which includes over 80 children, should be moved to more suitable surroundings pending consideration for resettlement by interested third countries. (END STATEMENT)

¶11. (U) This cable has been coordinated with Embassy Vientiane.
JOHN